

HOUSE BILL 3229  
By Windle

AN ACT amend Tennessee Code Annotated, Title 40, Chapter 15,  
to enact the "Pretrial Release Services Program Act of  
1996".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 15, is amended by designating the current language as "Part 1" and by adding Sections 2 through 9 inclusive of this act as a new Part 2.

SECTION 2. This act shall be known and may be cited as the "Pretrial Release Services Program Act of 1996".

SECTION 3. This general assembly finds that the health, welfare, safety and general well-being of the public demands that pre-trial release services programs be held accountable and responsible to the citizens of this state.

SECTION 4. Each pre-trial release services program operated and administered by any agency of any county, municipality or other political subdivision of this state, shall publish weekly through the media, both electronic and print, for the safety and general well-being of the general public, the following information in a correct and verified report:

- (1) The names and addresses of all persons who have been arrested for criminal offenses and who have been released on bail pursuant to such program;
- (2) All charges against such person arrested, including prior arrests and prior criminal history;

(3) All court dates including preliminary hearings, bond hearings and the adjudication of all prior hearings relative to such person;

(4) All “failure to appear” charges, including the names and addresses of all those persons utilizing such program who fail to appear;

(5) The exact number of times each “failure to appear” has been given to such person; and

(6) The date of arrest and the name of the arresting police officer or any other law enforcement agency making such arrest.

(b) No pre-trial release services program shall in any manner conceal the information specified in this act or otherwise mislead the public as to the correct and verifiable number of forfeitures incurred by such program. An accurate account shall be kept open for the scrutiny of the general public during regular business hours.

SECTION 5. All pre-trial release services programs shall publish monthly, as public information, through the aforementioned media, an accurate account of all monies received and from what sources such funding is obtained.

SECTION 6. All information enumerated in Section 4 shall be verifiable and all bookkeeping shall be open to public inspection. A published monthly financial report for public information shall include how, when, where, on what and on whom the program’s funds are expended. This report shall also include the names of all pre-trial services program employees, their job titles and salaries, and their qualifications for holding such positions. Such report shall also include the names of the employees of each department who are working in conjunction with the pre-trial release services program, including the electronic monitoring program and the probation office.

SECTION 7.(a) Each pre-trial release services program shall take all necessary measures to apprehend all persons who fail to appear for scheduled court dates, including hiring, at the expense of such pre-trial release services program, those persons who are known as “bounty hunters”.

(b) Forfeitures from all pre-trial release bonds shall be paid in full, plus court costs, to the appropriate court by the appropriate pre-trial release services program. Such funds shall be used exclusively for the general safety of the public and to assist with the needs of the victim of the arrested person upon the adjudication of such case. Each pre-trial release services program shall notify the victims and all other interested parties of all court dates concerning those persons who have posted bond and have been released under such program.

SECTION 8. Failure of any pre-trial release services program to comply with the provisions of this act or otherwise keep the public correctly informed of its activities shall result in the immediate termination of such program.

SECTION 9. This act shall in no way be construed to appropriate state funds or to require the appropriation of state funds.

SECTION 10. The district attorney generals conference is hereby authorized to promulgate all necessary rules and regulations to effectuate the purposes of this act. Such rules and regulations shall be promulgated in accordance with the uniform administrative procedures act, codified at title 4, chapter 5.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. For the purpose of promulgating rules and regulations this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 1996.